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December 12, 2022

By ECF

The Honorable Vernon S. Broderick
United States District Judge
Southern District of New York
40 Centre Street
New York, NY 10007

**Re: *United States v. Sayfullo Saipov*
17 Cr. 722 (VSB)**

Dear Judge Broderick,

We write with respect to the Court's Order dated December 12, 2022, directing the parties to appear tomorrow afternoon so that Mr. Saipov can be allocuted with respect to the Court's desire to proceed with *voir dire* remotely via Microsoft Teams while convalescing from COVID-19.

As previously discussed with the Court (*see* Tr. at 2104-05), Mr. Saipov has had difficulty obtaining through BOP prescription eyeglasses that he requires to address his poor far sightedness. The defense has obtained, from MDC Brooklyn, Mr. Saipov's prescription from his most recent optometry appointment, which required extensive communications with BOP to arrange in the first instance. Given the Court's suggestion that we consider obtaining a (backup) pair of eyeglasses for Mr. Saipov that will allow him to see (Tr. at 2104-05), we recently purchased a pair of prescription eyeglasses tailored to Mr. Saipov's specifications.

In light of Mr. Saipov's forthcoming production and appearance in court tomorrow, the defense respectfully submits that tomorrow presents a good opportunity for Mr. Saipov to try these new eyeglasses on to determine if they are sufficient. With the Court's leave, we ask for permission to bring the glasses to court and, in the presence of the US Marshals, allow Mr. Saipov to try them on.

It is axiomatic that Mr. Saipov's Fifth, Sixth, and Eighth Amendment right to be present at his capital trial requires that he be able to *see* that trial. Should the defense-purchased glasses suffice, the defense will make another application for Mr. Saipov to keep the glasses, and otherwise consents to the US Marshals inspecting the spectacles before he keeps them and returns to MDC Brooklyn.

Respectfully Submitted,

/s/

David Patton

Andrew J. Dalack

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Cc: Government Counsel